

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,
CHHATTISGARH

Writ Appeal No. 29 of 2006 7

APPELLANT/:
(Petitioner)

Ram Pravesh Shrivastava,
S/o Late J.P. Shrivastava,
Aged about 60 years,
Occupation: Retired employee
of South Eastern Coalfields
Limited,
R/o Village: Machakna,
Police Station: Hussainganj,
District: Siwan, Bihar.

- Versus -

RESPONDENTS:

1. South Eastern Coalfields Ltd.,
Seepat Road, Bilaspur,
Chhattisgarh.
2. Chairman-cum-Managing
Director, South Eastern
Coalfields Limited,
Seepat Road, Bilaspur,
Chhattisgarh.
3. Chief General Manager,
South Eastern Coalfields Ltd.,
Bishrampur, District: Surguja,
Chhattisgarh.
4. General Manager,
South Eastern Coalfields Ltd.,
Bishrampur, District: Surguja,
Chhattisgarh.
5. Colliery Manager,
New Mines, Kunda,
Incline at Bishrampur Colliery,
Surguja, Chhattisgarh.
6. Legal Manager,
South Eastern Coalfields Ltd.,
Seepat Road, Bilaspur,
Chhattisgarh.

P.B. No. 6889/06
Presented by Shri. V. L. Sonu
dated 22-11-06

File
Shri. Sonu
20-11-06



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7. Deputy General Manager-cum-
Deputy Chief Mining Engineer,
South Eastern Coalfields Ltd.,
Bishrampur, District: Surguja,
Chhattisgarh.

**WRIT APPEAL UNDER RULE 157 SUB-RULE (10) OF THE
HIGH COURT OF CHHATTISGARH RULES, 2005**

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**DIVISION BENCH**

**CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.**

WRIT APPEAL NO. 29 OF 2007**APPELLANT****Ram Pravesh Shrivastava****Versus****RESPONDENTS****South Eastern Coalfields Ltd. &
Others**

Present : Shri Rajveev Shrivastava, counsel for the appellant.

ORAL ORDER**(Passed on 26th February, 2007)**

The following oral order of the Court was passed by
H.L. Dattu, CJ.

This appeal is filed against the order passed by the learned
Single Judge in W.P.No.1774/1992 on 5-7-2006.

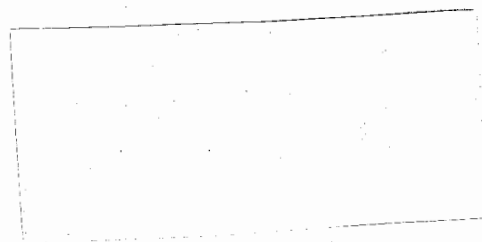
2) Facts in brief are :

The appellant before us was appointed as Majdoor, Category-I
in South Eastern Coalfields Limited in the year 1974. By an order
dated 20-3-1977, his services were terminated. Aggrieved by the
aforesaid order, he had filed a petition before the High Court of
Madhya Pradesh. The writ petition came to be disposed of by the
Court vide its order dated 22-6-1990 by taking into consideration the
statement made by learned counsel for the respondents in the said writ
petition. In fact, the only statement that was made by learned counsel
for the respondents in the said writ petition was that fresh appointment
order will be issued to the appellant.

3) By an order dated 16-10-1990 respondents gave a fresh appointment to the appellant. He had questioned the said order before the High Court of Madhya Pradesh only on the ground, that, he is entitled for fresh appointment with effect from 20-3-1977. Learned Single Judge had rejected the writ petition by his order dated 5-7-2006. Aggrieved by the said order, the appellant had approached the Apex Court by filing a Special Leave Petition. For the reasons best known to the appellant, he has withdrawn the Special Leave Petition filed, with liberty to file writ appeal against the order passed by the learned Single Judge. That is how the appellant is before us.

4) Shri Shrivastava, learned counsel for the appellant, would submit that when the respondents gave fresh appointment to the appellant, they should have given it from the date of termination i.e. 20-3-1977.

5) We have seen the orders passed by the High Court of Madhya Pradesh dated 22-6-1990. The Court while disposing of the writ petition had taken note of the statement made by learned counsel for the respondents in the said writ petition, who had only stated that fresh appointment order would be issued to the appellant. A proper reading of the orders passed by the Madhya Pradesh High Court; it would only indicate, that the respondents would issue a fresh appointment order to the appellant. Therefore, by no stretch of imagination it can be inferred that the appointment would be made from the date when the appellant was terminated from his service. Rightly taking into consideration all these facts, the learned Single Judge has dismissed the writ petition.



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We do not see any error in the order passed by learned Single Judge, which may call for our interference.

6) In view of the above, the writ appeal requires to be rejected and accordingly it is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge